

SENATE BILL No. 11

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-42-4-7.

Synopsis: Child seduction. Provides that an elected official, a public appointee, or an officer of the court commits child seduction if the elected official, public appointee, or officer of the court abuses the person's professional relationship with a child to engage in sexual activity with the child. Makes conforming amendments.

Effective: July 1, 2024.

Bohacek, Alting

January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 11

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-31.5-2-109.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: **Sec. 109.7. "Elected official", for**
4 **purposes of IC 35-42-4-7, has the meaning set forth in**
5 **IC 35-42-4-7.**

6 SECTION 2. IC 35-31.5-2-217.6 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2024]: **Sec. 217.6. "Officer of the court", for**
9 **purposes of IC 35-42-4-7, has the meaning set forth in**
10 **IC 35-42-4-7.**

11 SECTION 3. IC 35-31.5-2-256.8 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2024]: **Sec. 256.8. "Public appointee", for**
14 **purposes of IC 35-42-4-7, has the meaning set forth in**
15 **IC 35-42-4-7.**

16 SECTION 4. IC 35-42-4-7, AS AMENDED BY P.L.133-2023,
17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2024]: Sec. 7. (a) As used in this section, "adoptive parent"
 2 has the meaning set forth in IC 31-9-2-6.
 3 (b) As used in this section, "adoptive grandparent" means the parent
 4 of an adoptive parent.
 5 (c) As used in this section, "charter school" has the meaning set
 6 forth in IC 20-18-2-2.5.
 7 (d) As used in this section, "child care worker" means a person who:
 8 (1) provides care, supervision, or instruction to a child within the
 9 scope of the person's employment in a shelter care facility;
 10 (2) is employed by a:
 11 (A) school corporation;
 12 (B) charter school;
 13 (C) nonpublic school; or
 14 (D) special education cooperative;
 15 attended by a child who is the victim of a crime under this
 16 chapter; or
 17 (3) is:
 18 (A) affiliated with a:
 19 (i) school corporation;
 20 (ii) charter school;
 21 (iii) nonpublic school; or
 22 (iv) special education cooperative;
 23 attended by a child who is the victim of a crime under this
 24 chapter, regardless of how or whether the person is
 25 compensated;
 26 (B) in a position of trust in relation to a child who attends the
 27 school or cooperative;
 28 (C) engaged in the provision of care or supervision to a child
 29 who attends the school or cooperative; and
 30 (D) at least four (4) years older than the child who is the
 31 victim of a crime under this chapter.
 32 The term does not include a student who attends the school or
 33 cooperative.
 34 (e) As used in this section, "coach" means a person who:
 35 (1) provides care, supervision, or instruction to a child within the
 36 scope of the person's employment in a youth sports organization;
 37 (2) is employed by a youth sports organization attended by a child
 38 who is the victim of a crime under this chapter; or
 39 (3) is:
 40 (A) affiliated with a youth sports organization attended by a
 41 child who is the victim of a crime under this chapter,
 42 regardless of how or whether the person is compensated;



- 1 (B) in a position of trust in relation to a child who participates
 2 in the youth sports organization;
 3 (C) engaged in the provision of care or supervision to a child
 4 who participates in the youth sports organization; and
 5 (D) at least four (4) years older than the child who is the
 6 victim of a crime under this chapter.
- 7 This term includes a coach who is nonteaching or a volunteer.
- 8 (f) As used in this section, "custodian" means any person who
 9 resides with a child and is responsible for the child's welfare.
- 10 **(g) As used in this section, "elected official" means a person**
 11 **elected to an office of a county, city, town, or township, or the state.**
- 12 ~~(g)~~ **(h)** As used in this section, "mental health professional" means:
 13 (1) a mental health counselor licensed under IC 25-23.6-8.5;
 14 (2) a psychologist; or
 15 (3) a psychiatrist.
- 16 ~~(h)~~ **(i)** As used in this section, "military recruiter" means a member
 17 of:
 18 (1) the United States Air Force;
 19 (2) the United States Army;
 20 (3) the United States Coast Guard;
 21 (4) the United States Marine Corps;
 22 (5) the United States Navy;
 23 (6) any reserve components of the military forces listed in
 24 subdivisions (1) through (5); or
 25 (7) the Indiana National Guard;
 26 whose primary job function, classification, or specialty is recruiting
 27 individuals to enlist with an entity listed in subdivisions (1) through
 28 (7).
- 29 ~~(i)~~ **(j)** As used in this section, "nonpublic school" has the meaning
 30 set forth in IC 20-18-2-12.
- 31 **(k) As used in this section, "officer of the court" means:**
 32 **(1) a lawyer;**
 33 **(2) a judge, including an administrative law judge and a**
 34 **hearing officer;**
 35 **(3) a guardian ad litem;**
 36 **(4) a court appointed special advocate;**
 37 **(5) a court appointed forensic advocate (as described in**
 38 **IC 35-36-12-5);**
 39 **(6) an early intervention advocate (as defined in**
 40 **IC 31-9-2-43.2);**
 41 **(7) the clerk of any court; or**
 42 **(8) court personnel.**



1 (†) (I) For purposes of this section, a person has a "professional
2 relationship" with a child if:

3 (1) the person:

4 (A) has a license issued by the state or a political subdivision
5 on the basis of the person's training and experience that
6 authorizes the person to carry out a particular occupation; or

7 (B) is employed in a position in which counseling, supervising,
8 instructing, or recruiting children forms a significant part of
9 the employment; and

10 (2) the person has a relationship with a child that is based on the
11 person's employment or licensed status as described in
12 subdivision (1).

13 The term includes a relationship between a child and a mental health
14 professional or military recruiter. The term does not include a coworker
15 relationship between a child and a person described in subdivision
16 (1)(B).

17 (m) **As used in this section, "public appointee" means a person**
18 **appointed by an elected official to an agency, board, commission,**
19 **department, bureau, or other entity of a county, city, town, or**
20 **township, or of the state, including a state educational institution.**

21 (n) ~~(n)~~ As used in this section, "school corporation" has the meaning
22 set forth in IC 20-18-2-16.

23 (o) As used in this section, "special education cooperative" has
24 the meaning set forth in IC 20-35-5-1.

25 (p) As used in this section, "stepparent" means an individual
26 who is married to a child's custodial or noncustodial parent and is not
27 the child's adoptive parent.

28 (q) As used in this section, "workplace supervisor" means an
29 individual who has authority over a child while the child is employed
30 at the child's place of employment. The term includes a person who is
31 responsible for determining the child's wages (including whether the
32 child will receive a raise) or who otherwise has the authority to take an
33 adverse employment action against the child.

34 (r) As used in this section, "youth sports organization" means an
35 athletic or recreational program that is organized for:

36 (1) competition against another team, club, or entity; or

37 (2) athletic instruction;

38 predominantly for children less than eighteen (18) years of age.

39 (s) If a person who:

40 (1) is at least eighteen (18) years of age; and

41 (2) is the:

42 (A) guardian, adoptive parent, adoptive grandparent,



- 1 custodian, or stepparent of;
 2 (B) child care worker for; or
 3 (C) coach of;
 4 a child less than eighteen (18) years of age;
 5 engages with the child in sexual intercourse, other sexual conduct (as
 6 defined in IC 35-31.5-2-221.5), or any fondling or touching with the
 7 intent to arouse or satisfy the sexual desires of either the child or the
 8 adult, the person commits child seduction.
- 9 ~~(q)~~ **(t)** A person who:
 10 (1) has or had a professional relationship with a child less than
 11 eighteen (18) years of age whom the person knows to be less than
 12 eighteen (18) years of age;
 13 (2) may exert undue influence on the child because of the person's
 14 current or previous professional relationship with the child; and
 15 (3) uses or exerts the person's professional relationship to engage
 16 in sexual intercourse, other sexual conduct (as defined in
 17 IC 35-31.5-2-221.5), or any fondling or touching with the child
 18 with the intent to arouse or satisfy the sexual desires of the child
 19 or the person;
 20 commits child seduction.
- 21 ~~(r)~~ **(u)** A law enforcement officer who:
 22 (1) is at least four (4) years older than a child who is less than
 23 eighteen (18) years of age;
 24 (2) has contact with the child while acting within the scope of the
 25 law enforcement officer's official duties with respect to the child;
 26 and
 27 (3) uses or exerts the law enforcement officer's professional
 28 relationship with the child to engage with the child in:
 29 (A) sexual intercourse;
 30 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 31 or
 32 (C) any fondling or touching with the child with the intent to
 33 arouse or satisfy the sexual desires of the child or the law
 34 enforcement officer;
 35 commits child seduction.
- 36 ~~(s)~~ **(v)** In determining whether a person used or exerted the person's
 37 professional relationship with the child to engage in sexual intercourse,
 38 other sexual conduct (as defined in IC 35-31.5-2-221.5), or any
 39 fondling or touching with the intent to arouse or satisfy the sexual
 40 desires of the child or the person under this section, the trier of fact
 41 may consider one (1) or more of the following:
 42 (1) The age difference between the person and the child.



- 1 (2) Whether the person was in a position of trust with respect to
 2 the child.
 3 (3) Whether the person's conduct with the child violated any
 4 ethical obligations of the person's profession or occupation.
 5 (4) The authority that the person had over the child.
 6 (5) Whether the person exploited any particular vulnerability of
 7 the child.
 8 (6) Any other evidence relevant to the person's ability to exert
 9 undue influence over the child.
- 10 (†) (w) This subsection does not apply to a workplace supervisor
 11 who had a dating relationship with the child before the child was
 12 employed at the place of employment. A workplace supervisor who:
 13 (1) is at least four (4) years older than a child who is less than
 14 eighteen (18) years of age;
 15 (2) supervises the child at the child's place of employment; and
 16 (3) uses or exerts the workplace supervisor's supervisory
 17 relationship with the child to engage with the child in:
 18 (A) sexual intercourse;
 19 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 20 or
 21 (C) any fondling or touching with the child with the intent to
 22 arouse or satisfy the sexual desires of the child or the
 23 workplace supervisor;
 24 commits child seduction.
- 25 (†) (x) In determining whether a workplace supervisor used or
 26 exerted the workplace supervisor's relationship with the child to engage
 27 in sexual intercourse, other sexual conduct (as defined in
 28 IC 35-31.5-2-221.5), or any fondling or touching with the intent to
 29 arouse or satisfy the sexual desires of the child or the workplace
 30 supervisor, the trier of fact may consider one (1) or more of the
 31 following:
 32 (1) The age difference between the workplace supervisor and the
 33 child.
 34 (2) Whether the workplace supervisor was in a position of trust
 35 with respect to the child.
 36 (3) Whether the workplace supervisor suggested to the child that
 37 engaging or not engaging in sexual activity with the workplace
 38 supervisor would or could affect the child at the child's place of
 39 employment.
 40 (4) The authority that the workplace supervisor had over the child.
 41 (5) Whether the workplace supervisor exploited any particular
 42 vulnerability of the child.



(6) Any other evidence relevant to the workplace supervisor's ability to exert undue influence over the child.

(y) This subsection does not apply to an elected official, public appointee, or officer of the court who had a dating relationship with the child at the time conduct described in subdivision (3)(A) through (3)(C) occurred. An elected official, public appointee, or officer of the court who:

(1) is at least four (4) years older than a child who is less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the person's official responsibilities with respect to the child; and

(3) uses or exerts the person's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;

commits child seduction.

(z) In determining whether an elected official, public appointee, or officer of the court used or exerted the person's professional relationship with the child to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person under this section, the trier of fact may consider one (1) or more of the factors set forth in subsection (v).

(v) (aa) Child seduction under this section is:

(1) a Level 6 felony if the child is at least sixteen (16) years of age but less than eighteen (18) years of age and the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:

(A) the child; or

(B) the person or law enforcement officer;

(2) a Level 5 felony if the child is at least sixteen (16) years of age but less than eighteen (18) years of age and the person or law enforcement officer engaged in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child;

(3) a Level 5 felony if the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person or law enforcement officer engaged in any fondling or touching with the



1 intent to arouse or satisfy the sexual desires of:
2 (A) the child; or
3 (B) the person or law enforcement officer;
4 (4) a Level 4 felony if the child is at least fourteen (14) years of
5 age but less than sixteen (16) years of age and the person or law
6 enforcement officer engaged in sexual intercourse or other sexual
7 conduct (as defined in IC 35-31.5-2-221.5) with the child;
8 (5) a Level 3 felony if the child is thirteen (13) years of age or
9 under and the person or law enforcement officer engaged in any
10 fondling or touching with the intent to arouse or satisfy the sexual
11 desires of:
12 (A) the child; or
13 (B) the person or law enforcement officer; and
14 (6) a Level 2 felony if the child is thirteen (13) years of age or
15 under and the person or law enforcement officer engaged in
16 sexual intercourse or other sexual conduct (as defined in
17 IC 35-31.5-2-221.5) with the child.

